

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Mark R. Hoop *et al.*

**Plaintiffs/
Counterclaim Defendants**

v.

Jeffrey W. Hoop *et al.*

**Defendants/
Counterclaim Plaintiffs**

Case No. C-1-00-869

District Judge Susan J. Dlott

VERDICT FORM

February 11, 2004

The jury must unanimously agree on the answers to each question.

1. Do you find that Mark Hoop is an inventor or joint inventor of the eagle-shaped fairing guard design patented in United States Design Patent No. Des. 428,831 and No. Des. 431,211?

Yes _____

No X

2. Do you find that Lisa Hoop is an inventor or joint inventor of the eagle-shaped fairing guard design patented in United States Design Patent No. Des. 428,831 and No. Des. 431,211?

Yes _____

No X

3. Do you find that Jeffrey Hoop is an inventor or joint inventor of the eagle-shaped fairing guard design patented in United States Design Patent No. Des. 428,831 and No. Des. 431,211?

Yes X

No _____

4. Do you find that Stephen Hoop is an inventor or joint inventor of the eagle-shaped fairing guard design patented in United States Design Patent No. Des. 428,831 and No. Des. 431,211?

Yes X

No _____

5. Do you find that United States Design Patent No. Des. 428,831, issued to Jeffrey W. Hoop and Stephen E. Hoop, is valid?

Yes X

No _____

IF YOU ANSWER "YES" TO QUESTION NO. 5, PROCEED TO QUESTION NO. 7. IF YOU ANSWER "NO" TO QUESTION NO. 5, CONTINUE TO QUESTION NO. 6.

6. Do you find that United States Design Patent No. Des. 431,211, issued to Mark R. Hoop and Lisa J. Hoop, is valid?

Yes _____

No _____

IF YOU ANSWER "YES" TO QUESTION NO. 6, PROCEED TO QUESTION NO. 10. IF YOU ANSWER "NO" TO QUESTION NO. 6, PROCEED TO QUESTION NO. 14

7. What is the amount of damages, if any, to which Jeffrey Hoop and Stephen Hoop are entitled for Mark Hoop's infringement of United States Design Patent No. Des. 428,831, issued to Jeffrey W. Hoop and Stephen E. Hoop?

\$ 10,800 (enter a dollar amount)

8. Do you find that Lisa Hoop infringed United States Design Patent No. Des. 428,831, issued to Jeffrey W. Hoop and Stephen E. Hoop?

Yes _____

No X

IF YOU ANSWER "YES" TO QUESTION NO. 8, CONTINUE TO QUESTION NO. 9. IF YOU ANSWER "NO," PROCEED TO QUESTION NO. 14.

9. What is the amount of damages, if any, to which Jeffrey Hoop and Stephen Hoop are entitled for Lisa Hoop's infringement of United States Design Patent No. Des. 428,831, issued to Jeffrey W. Hoop and Stephen E. Hoop?

\$ _____ (enter a dollar amount)

PLEASE PROCEED TO QUESTION NO. 14.

10. Do you find that Jeffrey Hoop infringed United States Design Patent No. Des. 431,211, issued to Mark R. Hoop and Lisa J. Hoop?

Yes _____

No _____

IF YOU ANSWER "YES" TO QUESTION NO. 10, CONTINUE TO QUESTION NO. 11. IF YOU ANSWER "NO," PROCEED TO QUESTION NO. 12.

11. What is the amount of damages, if any, to which Mark Hoop and Lisa Hoop are entitled for Jeffrey Hoop's infringement of United States Design Patent No. Des. 431,211, issued to Mark R. Hoop and Lisa J. Hoop?

\$ _____ (enter a dollar amount)

12. Do you find that Stephen Hoop infringed United States Design Patent No. Des. 431,211, issued to Mark R. Hoop and Lisa J. Hoop?

Yes _____

No _____

IF YOU ANSWER "YES" TO QUESTION NO. 12, CONTINUE TO QUESTION NO. 13. IF YOU ANSWER "NO," PROCEED TO QUESTION NO. 14.

13. What is the amount of damages, if any, to which Mark Hoop and Lisa Hoop are entitled for Stephen Hoop's infringement of United States Design Patent No. Des. 431,211, issued to Mark R. Hoop and Lisa J. Hoop?

\$ _____ (enter a dollar amount)

14. Do you find that Lisa Hoop is the one and only author of the line drawing of an eagle at which United States Copyright Registration No. Vau 490-992 is directed?

Yes _____

No X

IF YOU ANSWERED "YES" TO QUESTION NO. 14, CONTINUE TO QUESTION NO. 15. IF YOU ANSWERED "NO," PROCEED TO QUESTION NO. 19.

15. Do you find that Jeffrey Hoop infringed United States Copyright Registration No. Vau 490-992, directed at a line drawing of an eagle?

Yes _____

No _____

IF YOU ANSWERED "YES" TO QUESTION NO. 15, CONTINUE TO QUESTION NO. 16. IF YOU ANSWERED "NO," PROCEED TO QUESTION NO. 17.

16. What is the amount of damages, if any, to which Lisa Hoop is entitled for Jeffrey Hoop's infringement of United States Copyright Registration No. Vau 490-992, directed at a line drawing of an eagle?

\$ _____ (enter a dollar amount)

17. Do you find that Stephen Hoop infringed United States Copyright Registration No. Vau 490-992, directed at a line drawing of an eagle?

Yes _____

No _____

IF YOU ANSWERED "YES" TO QUESTION NO. 17, CONTINUE TO QUESTION NO. 18. IF YOU ANSWERED "NO," PROCEED TO QUESTION NO. 19.

18. What is the amount of damages, if any, to which Lisa Hoop is entitled for Stephen Hoop's infringement of United States Copyright Registration No. Vau 490-992, directed at a line drawing of an eagle?

\$ _____ (enter a dollar amount)

19. Do you find that Lisa and Mark Hoop are the only authors of the sculpture of a flying eagle at which United States Copyright Registration No. Vau 494-540 is directed?

Yes _____

No ☒

IF YOU ANSWERED "YES" TO QUESTION NO. 19, CONTINUE TO QUESTION NO. 20. IF YOU ANSWERED "NO," PROCEED TO QUESTION NO. 24.

20. Do you find that Jeffrey Hoop infringed United States Copyright Registration No. Vau 494-540, directed at a sculpture of a flying eagle?

Yes _____

No _____

IF YOU ANSWERED "YES" TO QUESTION NO. 20, CONTINUE TO QUESTION NO. 21. IF YOU ANSWERED "NO," PROCEED TO QUESTION NO. 22.

21. What is the amount of damages, if any, to which Lisa and Mark Hoop are entitled for Jeffrey Hoop's infringement of United States Copyright Registration No. Vau 494-540, directed at a sculpture of a flying eagle?

\$ _____ (enter a dollar amount)

22. Do you find that Stephen Hoop infringed United States Copyright Registration No. Vau 494-540, directed at a sculpture of a flying eagle?

Yes _____

No _____

IF YOU ANSWERED "YES" TO QUESTION NO. 22, CONTINUE TO QUESTION NO. 23. IF YOU ANSWERED "NO," PROCEED TO QUESTION NO. 24.

23. What is the amount of damages, if any, to which Lisa and Mark Hoop are entitled for Stephen Hoop's infringement of United States Copyright Registration No. Vau 494-540, directed at a sculpture of a flying eagle?

\$ _____ (enter a dollar amount)

24. Did Mark Hoop breach the confidential disclosure agreement that he had with Jeffrey and Stephen Hoop?

Yes X

No _____

IF YOU ANSWERED "YES" TO QUESTION NO. 24, CONTINUE TO QUESTION NO. 25. IF YOU ANSWERED "NO," PROCEED TO QUESTION NO. 26.

25. What is the amount of damages, if any, to which Jeffrey and Stephen Hoop are entitled as a result of Mark Hoop's breach of the confidential disclosure agreement?

\$ 0 (enter a dollar amount)

26. Did Lisa Hoop breach the confidential disclosure agreement that she had with Jeffrey and Stephen Hoop?

Yes X No

IF YOU ANSWERED "YES" TO QUESTION NO. 26, CONTINUE TO QUESTION NO. 27. IF YOU ANSWERED "NO," PROCEED TO QUESTION NO. 28.

27. What is the amount of damages, if any, to which Jeffrey and Stephen Hoop are entitled as a result of Lisa Hoop's breach of the confidential disclosure agreement?

\$ 0 (enter a dollar amount)

28. Did Jeffrey and Stephen Hoop have a contract with Mark Hoop that Jeffrey and Stephen Hoop would pay Mark Hoop money if Mark Hoop built a die to produce eagle-shaped fairing guards of certain specifications?

Yes X No

IF YOU ANSWERED "YES" TO QUESTION NO. 28, CONTINUE TO QUESTION NO. 29. IF YOU ANSWERED "NO," CONTINUE TO QUESTION NO. 32.

29. Did Mark Hoop breach his contract with Jeffrey and Stephen Hoop to build them a die to produce eagle-shaped fairing guards?

Yes X No

IF YOU ANSWERED "YES" TO QUESTION NO. 29, CONTINUE TO QUESTION NO. 30. IF YOU ANSWERED "NO," CONTINUE TO QUESTION NO. 32.

30. At the time Mark Hoop breached his contract with Jeffrey and Stephen Hoop to build them a die to produce eagle-shaped fairing guards, had Jeffrey and Stephen Hoop substantially performed their duties under the contract?

Yes X No

IF YOU ANSWERED "YES" TO QUESTION NO. 30, CONTINUE TO QUESTION NO. 31. IF YOU ANSWERED "NO," CONTINUE TO QUESTION NO. 32.

31. What is the amount of damages, if any, to which Jeffrey and Stephen Hoop are entitled as a result of Mark Hoop's breach of the contract to build a die to produce eagle-shaped fairing guards?

\$ 318,250 (enter a dollar amount)

32. Did Mark Hoop convert, or wrongfully take, property belonging to Jeffrey and Stephen Hoop?

Yes X No

IF YOU ANSWERED "YES" TO QUESTION NO. 32, CONTINUE TO QUESTION NO. 33. IF YOU ANSWERED "NO," CONTINUE TO QUESTION NO. 34.

33. What is the amount of damages, if any, to which Jeffrey and Stephen Hoop are entitled as a result of Mark Hoop's conversion of their property?

\$ 51,317 (enter a dollar amount)

34. Did Lisa Hoop convert, or wrongfully take, property belonging to Jeffrey and Stephen Hoop?

Yes No X

IF YOU ANSWERED "YES" TO QUESTION NO. 34, CONTINUE TO QUESTION NO. 35. IF YOU ANSWERED "NO," CONTINUE TO QUESTION NO. 36.

35. What is the amount of damages, if any, to which Jeffrey and Stephen Hoop are entitled as a result of Lisa Hoop's conversion of their property?

\$ _____ (enter a dollar amount)

36. Is Mark Hoop entitled to recover the reasonable value of any services that he performed for the benefit of Jeffrey and Stephen Hoop but for which he was not paid?

Yes X No _____

IF YOU ANSWERED "YES" TO QUESTION NO. 36, CONTINUE TO QUESTION NO. 37. IF YOU ANSWERED "NO," CONTINUE TO QUESTION NO. 38.

37. What is the reasonable value of any services that Mark Hoop performed for the benefit of Jeffrey and Stephen Hoop but for which he was not paid?

\$ 36,000 (enter a dollar amount)

38. Is Lisa Hoop entitled to recover the reasonable value of any services that she performed for the benefit of Jeffrey and Stephen Hoop but for which she was not paid?

Yes _____ No X

IF YOU ANSWERED "YES" TO QUESTION NO. 38, CONTINUE TO QUESTION NO. 39. IF YOU ANSWERED "NO," SIGN AND DATE THE VERDICT FORM.

39. What is the reasonable value of any services that Lisa Hoop performed for the benefit of Jeffrey and Stephen Hoop but for which she was not paid?

\$ _____ (enter a dollar amount)

EACH JUROR SHOULD SIGN BELOW.

The above are the jury's unanimous verdict and answers to the special interrogatories. Signed:

Foreperson

Balendra Hathi

David A. Toebe

Charles R. Haylett Jr

R. Adair

Date: 02/11/2004

Shelly Darnell

Matthew L. Smyth

Anna Casafina